A LETTER

3507. b. 18

TO

THE REVEREND **** ***** M. A.

FELLOW OF

***** COLLEGE OXFORD,

ON THE CASE OF SUBSCRIPTION AT

MATRICULATION.

By J. Napleton

OXFORD:

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152

A LETTER, &c.

DEAR SIR,

I Have attentively conſidered the Collection of Papers which you were pleaſed to communicate to me, relative to Subſcription to the Thirty Nine Articles as required by the Statutes of your Univerſity at Matriculation. I am happy to obſerve in them that freedom of inquiry which I wiſh ever to prevail in a ſeat of learning, and at the ſame time that coolneſs, candour, and moderation, which ought inſeparably to accompany it. I doubt not that you will continue to carry on your deliberations with the ſame ſpirit; and that the reſult of them will either juſtify to the world a ſalutary inſtitution, correct an imperfect one, or abrogate a bad one.

The firſt queſtion you propoſe to me is, in what ſenſe I apprehend your Convocation to have enacted, that all Scholars to be matriculated, having arrived at the age of twelve

years, ſhall ſubſcribe to the Articles of Religion: it being, as you obſerve, preſumed and agreed on all hands that the intention of the Impoſers is the true meaſure of the ſenſe of the Subſcription: if therefore this intention can be clearly and indiſputably aſcertained, the meaning and obligation of your Subſcription is aſcertained alſo; and nothing remains but either to acquieſce in the act of your predeceſſors, or to amend it: but if on the contrary the intention of the Impoſers, after due inquiry, remain matter of doubt and uncertainty, the meaning and obligation of your Subſcription muſt be uncertain alſo; and this will naturally call for an act of your legiſlature, either to declare the meaning of an obſcure law or to ſubſtitute a better in it's room.

Now I preſume Subſcription to any propoſition muſt, in it's plaineſt and moſt obvious ſenſe, imply a declaration that the Subſcriber apprehends that the ſaid propoſition is true, juſt as Subſcription to a promiſſory note implies a declaration that he will perform the promiſe: the ſubſcription having in both caſes the ſame moral meaning and obligation as would have ariſen from his ut-

tering the words ſubſcribed; this artificial method being ſubſtituted in the room of the natural one for the ſake of legal evidence and notoriety. Upon what *grounds* the Subſcriber apprehends the propoſition to be true, I think his bare Subſcription does not determine, any more than his oral declaration would have done. This remains to be collected from the matter of the propoſition, and the ſituation and capacity of the Subſcriber, jointly conſidered. Some propoſitions are knowable to the greater part of mankind only on Teſtimony and Authority; others on their own perſonal Examination and Conviction. It will happen therefore continually that the ſame propoſition may to you be the object of Knowledge or Opinion, and to me only the object of Belief; and yet my inward aſſent to it may equally influence my practice; and my public declaration of this aſſent may induce the ſame moral obligations, and equally anſwer the purpoſes of Society. Of this it were eaſy to give examples. I conclude therefore that Subſcription in it's primary meaning implies an *Aſſent* to the truth of the propoſition ſubſcribed; and that this aſſent will be either an aſſent of *Belief*, founded on teſtimony and

authority, or an aſſent of *Knowledge or Opinion*, founded on perſonal examination and conviction, as the caſe may happen.

This appears to be the natural meaning and obligation of Subſcription, ſuppoſing it not to be limited by the intention of the Impoſer either expreſſed or implied. But it is poſſible he may on ſome occaſions find reaſon to modify it: a leſs obligation may perhaps equally anſwer the ſalutary end he has in view; and a wiſe and good legiſlator will no farther impoſe general rules of action or teſts of opinion, than human infirmity renders conducive to the good order and happineſs of Society. He may therefore find it ſufficient that the Subſcriber ſhould declare, that whatever may happen to be his private ſentiments touching the propoſition which is laid before him, he will not publickly maintain or utter any thing contrary thereto. Hence it will follow, that though Subſcription in it's natural and primary meaning implies an Aſſent to the truth of the propoſition ſubſcribed, yet nothing hinders but that in it's legal and ſecondary one it may ſignify only a Declaration of Neutrality and a Promiſe of Silence. And this different accepta-

tion of Subſcription Divines have aptly enough expreſſed, when applying it to the Caſe of the Articles of the Church of England, they have debated whether they were to be conſidered as Articles of *Doctrine* or as Articles of *Peace*.

Now if the Impoſer has expreſſed his intention, the caſe is clear: if not, I ſhould conceive the following maxims will be admitted, as leading to a diſcovery of it.

1. It is probable, that the Impoſer intends an Aſſent rather than a Promiſe of Silence: becauſe this is the natural and primary meaning of Subſcription, and 'tis to be preſumed that if he had intended any other he would have declared his intention. Moreover the former better ſecures the end the Impoſer has in view; this conſtruction therefore is more beneficial to Society, and more honourable to the Legiſlature.

2. It is probable that the Impoſer intends an aſſent of Knowledge or Opinion rather than an aſſent of Belief. For this aſſent, when it can be had, is the more natural, obvious, and ſatisfactory, and we only have recourſe to

the other when this fails us: now that which is the firſt and beſt ground of aſſent to the Subſcriber, is alſo the beſt ground of ſecurity to the Impoſer. He that aſſents to a propoſition on perſonal examination and conviction, and thus reſts his judgment on the dictates of his own reaſon, aſſents more fully and will probably do it more conſtantly, than he who for want of ſuch perſonal conviction, is obliged to found his ſentiments on authority, that is, on the reaſon of other men. Now it is to be preſumed that the Impoſer intends that aſſent, when it may be had, which is moſt full and moſt likely to be conſtant: it would be abſurd to ſuppoſe he requires a weaker aſſent, when the Subſcriber can with more ſatisfaction to himſelf afford him a ſtronger.

3. When aſſent of Knowledge or Opinion cannot be had, the Impoſer intends an aſſent of Belief: for no Legiſlature can be ſuppoſed to intend a nullity, nor any wiſe man to require that which is impoſſible. The Impoſer in this caſe as well as in the former takes the beſt ſecurity he can procure, and for the ſame reaſon that in the one he prefers a ſtronger aſſent to a weaker, in the other he prefers a weaker to none at all.

4. If a caſe ſhould ever occur wherein no aſſent can be had, the Impoſer intends a Promiſe of Silence.

We come now to apply theſe conſiderations to the matter in hand. It is evident that the Impoſers have not declared the ſenſe in which they direct the Subſcription to be taken. The enacting clauſe runs ſimply, *Articulis fidei et religionis ſubſcribant*. I think then, in the firſt place, your Convocation did not intend a bare Declaration of Neutrality and Promiſe of Silence: and this, for the reaſons ſpecified under the firſt maxim, and becauſe the caſe does not come within the deſcription of the fourth. It remains that they intended a declaration of Aſſent. I think, ſecondly, they did not intend an aſſent of Knowledge or Opinion: for this plain reaſon, becauſe the Subſcriber is utterly incapable of ſuch aſſent. That he is ſo, ſeems to be a point agreed on all hands; thoſe who object to this particular Subſcription ſuppoſe it as the very ground of their objection; and thoſe who defend the Subſcription do not deny it. Indeed that a child of twelve years of age ſhould on his own perſonal exa-

mination and conviction aſſent to the truth of a ſyſtem of propoſitions, many of which had for ſeveral centuries more or leſs exerciſed ſome of the ableſt pens in Chriſtendom, is a ſuppoſition ſo manifeſtly abſurd, that I think no man of candour (unleſs in a moment of great inadvertency) will charge it upon any Body of Men. How far your Convocation were from entertaining ſuch a ſuppoſition may be collected from hence, that they enjoin the Tutor, as a principal part of his duty, to inſtruct the Scholars committed to his care in the Articles of Religion; a plain intimation that they did not conceive them to have already ſubſcribed to theſe Articles upon perſonal examination and conviction. I conclude therefore that your Convocation intended an aſſent of Belief, an aſſent founded on teſtimony and authority. The plain meaning then of the Subſcription they require will be this; the Subſcriber declares, "that he believes, upon the autho-"rity of his Inſtructors, the Doctrines of the "Church of England to be true, or agree-"able to the Word of God:" by which declaration he virtually profeſſes himſelf to be a Member of the ſaid Church.

The ſecond queſtion you are pleaſed to propoſe to me is, whether I apprehend the preſent ſtatutable Subſcription to be liable to any juſt exception.

I am to take for granted, Sir, as your queſtion implies, that *ſome* Subſcription or Declaration is reaſonable and neceſſary. And of this indeed I have no doubt. The two Univerſities have ever been conſidered as ſeminaries of the Eſtabliſhed Church: the whole tenour of your Academical and Collegiate diſcipline, and the general courſe of your inſtitution, render it abſolutely impoſſible for young perſons of a different perſuaſion, to be received into your Colleges and educated among you with any propriety or advantage. I wiſh well to Toleration as ſincerely as I am attached to the Eſtabliſhment; becauſe both are eſſential to the true intereſts of Religion, to the good order of Society, and to the natural rights of Mankind: but as to any Scheme of Comprehenſion, I have ever conſidered it as a fatal experiment, which would infallibly terminate in the deſtruction of the One or the Other. Men may differ in opinion, even upon points which they eſteem eſſential, and yet live well together as good

Chriſtians and good Citizens; but it requires little inſight into the human heart, and a very moderate acquaintance with hiſtory, to conjecture what would be the conſequence of aſſembling them, under theſe circumſtances, in one School of Learning or in one Houſe of Worſhip. I will ſuppoſe then ſome Teſt at Matriculation to be indiſpenſably neceſſary: we are to conſider the propriety of that which is eſtabliſhed at preſent. I will offer you my ſentiments with great freedom.

I take your preſent Subſcription, in the ſenſe in which I underſtand it, to be unexceptionable. I cannot ſee why a young perſon may not as reaſonably, upon the ſole authority of his Inſtructors, declare his aſſent to the Thirty Nine Articles as to any other Syſtem of Religious Doctrine or Political Opinions. And yet he has been taught from his infancy, upon the ſame authority, to make a ſolemn profeſſion of his belief in the daily ſervice of the Church; and has been lately, or will ſoon be, called upon to repeat it in a manner as explicit and formal as any Subſcription can amount to, I mean in the office of Confirmation. But theſe, you will ſay, are *general* articles of belief, and ſuch as lie within the reach of his inquiry. That

they are more general than the Articles in queſtion I will allow; but that they all lie within the reach of his inquiry, and that he can aſſent to them upon his own perſonal examination and conviction, is by no means ſo clear. At this early period he is obliged to take even the evidences of the truth of his religion chiefly upon the authority of his Inſtructors; (and a ſufficient ground this, no doubt, for his faith and practice, becauſe it is the beſt his ſituation will admit of) and I will venture to ſay there are ſeveral propoſitions in the Apoſtle's Creed, of the truth of which he is no more a competent judge upon the ſole footing of his own examination, than he is of the Articles of the Church of England. So far then your Subſcription ſtands upon the ſame ground with the rites and uſages of the Church. At the age of eighteen, whatever be his *condition* and *education*, he may be called upon by the State to take the Oath of Supremacy; to declare his aſſent in the moſt ſolemn manner to a Political and Religious Poſition, which, however true, is ſo far from being ſelfevident or deducible from principles within the reach of an unimproved underſtanding, that it is not at this day in it's full extent acknowledged by the one half of Europe.

Now, Sir, can you imagine that one young perſon in ten who is bound to make this declaration can make it upon his own perſonal examination and conviction? Upon what grounds then but upon authority, upon a general perſuaſion that thoſe who enjoin it on the one hand, and thoſe who recommend it to him on the other, have duly examined it, and muſt judge for him till ſuch time as he can judge for himſelf. And all this with infinite propriety. For, in truth, there is ſcarce a circumſtance in human life, in which we do not rely implicity on the judgment of others, before we are in a capacity to form our own. As the Underſtanding opens and improves, we every day depend more on Reaſon and leſs on Authority: we try by the One the ſentiments we had found it neceſſary to embrace on the Other: and thus a variety of propoſitions to which we had formerly given an Aſſent of Belief, are upon mature conſideration either finally rejected or obtain an Aſſent of Knowledge or Opinion. If in the mean time the exigencies of Society require an explicit declaration of our ſentiments, I ſee no poſſible inconvenience in declaring them on the grounds whereon we have embraced them. If, for inſtance,

the wiſdom of Government determine it to be conducive to the public ſecurity, that I ſhould declare my aſſent or diſſent to a political poſition at Eighteen, I ſee no reaſon why I may not do it as ſincerely at that age agreeably to the light that is before me, as I ſhall afterwards with better light at Eight and Twenty; why I may not with as clear a conſcience abjure the Pope upon the beſt account of his pretenſions I can obtain from my Inſtructors in the one caſe, as I can upon a full view of the matter and the evidence of Scripture, Hiſtory, and Common Senſe, in the other. In like manner, if it be conducive to good order in the Church or to the peace of Society, that I ſhould make a Profeſſion of my Chriſtian Faith, or a Declaration on the Doctrines of a particular Church, at an age wherein I can do neither on my own perſonal examination, why may I not publiſh thoſe ſentiments which I have undoubtedly embraced on the teſtimony and authority of others? My Sincerity depends not, in any of theſe caſes on the nature or ſtrength of my aſſent: if I form my judgment upon the beſt information in my power, I do every thing I owe to myſelf; if I obey the requiſition of my Superiors, and declare this judgment, I

do my duty to Society. It ſeems therefore neceſſary to conclude that, if the Meaning of your Subſcription has been truly ſtated, it is liable to no reaſonable objection.

I am obliged to expreſs myſelf with this reſerve. For it is too evident from the Papers which lie before me, that your Subſcription is capable of very different conſtructions: and in ſuch a variety of opinions ſupported on all ſides with much good ſenſe and argument, I cannot preſume to take it for granted that I have ſelected the true one. This being the only caſe in which Subſcription is required at ſo early an age, it was natural to examine it with ſome degree of ſeverity, and at the ſame time impoſſible to explain and defend it by requiſitions ſtrictly and indiſputably parallel. It therefore became neceſſary to trace it's meaning and obligation by general principles and equitable ſuppoſitions. In this deduction, it was, I think, eaſy to foreſee, that men of equal candour and diſcernment might be led to form very different concluſions. What I have read and heard upon the ſubject verify the conjecture beyond a doubt; there being ſcarce two perſons either in the Univerſity or out of it, who

underſtand your Subſcription preciſely in the ſame ſenſe: and the matter has been ſo fully diſcuſſed that there is no probability of better agreement. Now this, it muſt be confeſſed, is a very great inconvenience; a perpetual ſource of difficulty and uncertainty to the parties concerned in the Subſcription, and of triumph to thoſe who reproach you for requiring it.

And here your third queſtion naturally ſuggeſts itſelf: namely, whether I apprehend your preſent Subſcription to be preferable to any other teſt which has been, or may be, propoſed.

In the examination of this queſtion, I am to conſider attentively, what is your Deſign in impoſing a teſt at Matriculation? What is the End you have in view? It is doubtleſs neither more nor leſs than to aſcertain this ſingle point, that the Scholar who prays to be admitted into your Univerſity is a Member of the Church of England. For this purpoſe it was extremely ſimple and natural in your predeceſſors to demand his Aſſent to the Doctrines of the Church of England; as the only rational ground of holding or re-

nouncing communion with any particular Church, muſt be an Approbation or Diſapprobation of it's eſtabliſhed Doctrines. But though this be *in general* a juſt and reaſonable teſt, a doubt ariſes from the particular ſituation of the party. He is at an age which renders it morally impoſſible that he ſhould underſtand, I will not ſay, the proof of theſe doctrines, but even the propoſitions in which they are contained: he cannot therefore give an aſſent founded upon his own examination, an aſſent of Knowledge or Opinion. May he not then give an aſſent of Belief, an aſſent founded on teſtimony and authority? But this conſtruction, however eaſy and natural it may appear to ſome, is not thought ſo intelligible or defenſible by others; and there remains on this important point an irreconcileable difference of opinion among candid and judicious men. A Subſcription founded on this dubious conſtruction will of courſe be vague and indeterminate; it will affect different Subſcribers, according to the different notion they are induced to entertain of it, unequally and partially; and doubts and difficulties will occur perpetually, in a caſe wherein ſurely they were leaſt to be wiſhed.

I am of opinion therefore that it greatly deſerves your conſideration, whether, though an Aſſent to the Doctrines of the Church be the moſt natural teſt, whenever the Age and Circumſtances of the Party put him in a capacity to give or to refuſe it, yet ſome other may not be thought of, which ſhall be at the ſame time equally deciſive, and better adapted to the preſent caſe. If, for inſtance, he "ſolemnly declare himſelf "to be a Member of the Church of Eng-"land," he gives you that very aſſurance, *for the ſake of which* you required his Subſcription to the Articles; he ſubſcribes to a declaration, the meaning of which he fully comprehends; which he has no *doubt* of his own ſincerity in giving, or of your equity in requiring. If moreover "he promiſe to con-"form to it's Liturgy and Worſhip," he ſtrengthens his declaration by the beſt argument poſſible; there being no fairer evidence of my being an unfeigned Member of a Church than my *conſtant* conformity to it's worſhip. And when his preſent incapacity ſhall be removed by Age and Education, when he ſhall have carefully peruſed the Articles of the Church of England, and compared them with the Scriptures, he will then;

I doubt not, moſt readily ſubſcribe to them upon Conviction; and will thus in due time and order, and upon grounds indiſputably rational, compleat that Teſt which I think an Engliſh Univerſity ought ſooner or later to require of all her Members, namely, that they conform to the worſhip, and aſſent to the doctrines, of the National Church.

I am, Sir, &c.

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